

Coast Guard, DHS

§ 160.077-25

(3) *Manufacturer Examination.* This examination must be done by a manufacturer's representative who is familiar with the approved plans and specifications, the functioning of the PFD and its components, and the production testing procedures. This person must not be responsible for meeting production schedules or be supervised by someone who is. This person must prepare and sign the inspection record required by § 159.077-13 of this chapter and § 160.077-25(b).

(4) *Independent Laboratory Inspection.*

(i) The inspector must discontinue lot inspection and reject the lot if observation of the records for the lot or of individual PFD's shows noncompliance with this section or the manufacturer's quality control procedures.

(ii) An inspector may not perform a final lot inspection unless the manufacturer has a current approval certificate.

(iii) If the inspector rejects a lot, the inspector shall notify the Commandant immediately.

(iv) The inspector must prepare and sign the record required by § 159.077-13 of this chapter and § 160.077-25(b). If the lot passes, the record must also include the inspector's certification to that effect and a certification that no evidence of noncompliance with this section was observed.

(k) *Disposition of PFD's Rejected in Testing or Inspections.* (1) A rejected PFD lot may be resubmitted for testing, examination, or inspection if the manufacturer first removes and destroys each PFD having the same type of defect or, if authorized by the Commandant or an authorized representative of the Commandant, reworks the lot to correct the defect.

(2) Any PFD rejected in a final lot examination or inspection may be resubmitted for examination or inspection if all defects have been corrected and re-examination or reinspection is authorized by the Commandant or an authorized representative of the Commandant.

(3) A rejected lot or rejected PFD may not be sold or offered for sale with the representation that it meets this

subpart or that it is Coast Guard approved.

[CGD 78-174, 50 FR 33928, Aug. 22, 1985, as amended by CGD 78-174A, 51 FR 4351, Feb. 4, 1986; CGD 78-174, 60 FR 2488, Jan. 9, 1995]

§ 160.077-25 Manufacturer records.

(a) Each manufacturer of hybrid PFD's must keep the records required by § 159.007-13 of this chapter, except that they must be retained at least 120 months after the month in which the inspection or test was conducted.

(b) Each record required by § 159.007-13 of this chapter must also include the following information:

(1) For each test, the serial number of the test instrument used if there is more than one available.

(2) For each test and inspection, the identification of the samples used, the lot number, the approval number, and the number of PFD's in the lot.

(3) For each lot rejected, the cause for rejection, any corrective action taken, and the final disposition of the lot.

(c) The description or photographs of procedures and apparatus used in testing is not required for the records prescribed in § 159.077-13 of this chapter as long as the manufacturer's procedures and apparatus meet the requirements of this subpart.

(d) Each manufacturer of hybrid PFD's must also keep the following records:

(1) Records for all materials used in production including the following:

(i) Name and address of the supplier.

(ii) Date of purchase and receipt.

(iii) Lot number.

(iv) Certification meeting § 160.077-11(a)(4).

(2) A copy of this subpart.

(3) Each document incorporated by reference in § 160.077-9.

(4) A copy of the approved plans and specifications.

(5) The approval certificate.

(6) Calibration of test equipment, including the identity of the agency performing the calibration, date of calibration, and results.

(e) The records required by paragraph (d)(1) of this section must be kept for at least 120 months after preparation.

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All other records required by paragraph (d) of this section must be kept for at least 60 months.

EFFECTIVE DATE NOTE: At 50 FR 33935, Aug. 22, 1985, §160.077-25 (a) and (e) were added. This amendment contains information collection requirements which will not be effective until approval has been obtained from the Office of Management and Budget.

§ 160.077-27 Pamphlet.

(a) Each recreational hybrid PFD sold or offered for sale must be provided with a pamphlet that a prospective purchaser can read prior to purchase. The required pamphlet text must be printed verbatim and in the sequence set out in paragraph (e) of this section. Additional information, instructions, or illustrations must not be included within the required text. The type size shall be no smaller than 8-point.

(b) Each pamphlet must be prominently marked "Seller, do not remove pamphlet."

(c) No person may sell or offer for sale any recreational hybrid PFD unless the pamphlet required by this section is provided with it.

(d) The text specified in paragraphs (e)(2) of this section must be accompanied by illustrations of the types of devices being described. The illustrations provided must be either photographs or drawings of the manufacturer's own products or illustrations of other Coast Guard-approved PFDs.

(e) For a Type I hybrid PFD intended for recreational use or a Type II, III, or V recreational hybrid PFD, the pamphlet contents must be as follows:

(1) The text in UL 1517, Section 39, item A;

(2) The following text and illustrations:

THERE ARE FIVE TYPES OF PERSONAL FLOTATION DEVICES

This is a Type [insert approved Type] Hybrid Inflatable PFD.

NOTE: The following types of PFDs are designed to perform as described in calm water and when the wearer is not wearing any other flotation material (such as a wetsuit).

Type I—A Type I PFD has the greatest required inherent buoyancy and turns most unconscious persons in the water from a face down position to a vertical and slightly backward position, therefore greatly increas-

ing one's chances of survival. The Type I PFD is suitable for all waters, especially for cruising on waters where rescue may be slow coming, such as large bodies of water where it is not likely that boats will be nearby. This type PFD is the most effective of all types in rough water. It is reversible and available in only two sizes—Adult (over 40 kg (90 lb)) and child (less than 40 kg (90 lb)) which are universal sizes (designed for all persons in the appropriate category).

[Insert illustration of Type I PFD]

Type II—A Type II PFD turns most wearers to a vertical and slightly backward position in the water. The turning action of a Type II PFD is less noticeable than the turning action of a Type I PFD and the Type II PFD will not turn as many persons under the same conditions as the Type I. The Type II PFD is usually more comfortable to wear than the Type I. This type of PFD is designed to fit a wide range of people for easy emergency use, and is available in the following sizes: Adult (over 40 kg (90 lb)), Medium Child (23-40 kg (50-90 lb)), and two categories of Small Child (less than 23 kg (50 lb) or less than 14 kg (30 lb)). Additionally, some models are sized by chest sizes. You may prefer to use the Type II where there is a good chance of fast rescue, such as areas where it is common for other persons to be engaged in boating, fishing and other water activities.

[Insert illustration of Type II PFD]

Type III—The Type III PFD allows the wearer to tilt backwards in the water, and the device will maintain the wearer in that position and will not turn the wearer face down. It is not designed to turn the wearer face up. A Type III is generally more comfortable than a Type II, comes in a variety of styles which should be matched to the individual use, and is often the best choice for water sports, such as skiing, hunting, fishing, canoeing, and kayaking. This type PFD normally comes in many chest sizes and weight ranges; however, some universal sizes are available. You may also prefer to use the Type III where there is a probability of quick rescue such as areas where it is common for other persons to be engaged in boating, fishing, and other water activities.

[Insert illustration of Type III PFD]

Hybrid Inflatable Type I, II, or III—A Type I, II, or III Hybrid PFD is an inflatable device which is the most comfortable PFD to wear and has a minimal amount of buoyancy when deflated and significantly increased buoyancy when inflated (See accompanying table for actual buoyancy for your Type of hybrid). When inflated it turns the wearer with the action of a Type I, II, or III PFD as indicated on its label. Boaters taking advantage of the extra comfort of hybrid inflatable PFDs must take additional care in the use of